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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,685	03/11/2004	Tod Taylor Lament	089339-0390	6271

26371 7590 07/26/2004

FOLEY & LARDNER  
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SUITE 3800  
MILWAUKEE, WI 53202-5308

EXAMINER
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FRIEDHOFFER, MICHAEL A

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

7  
**Office Action Summary**

Application No.

10/798,685

Applicant(s)

LAMENT ET AL.

Examiner

Michael A. Friedhofer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 0707.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 2-5, 7-10 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, line 1 replace "6" with --1--.

In claim 3, line 1 replace "7" with --2--.

In claim 4, line 1 replace "6" with --1--.

In claim 5, line 1 replace "6" with --1--.

In claim 5, line 3 replace "such" with --the--.

In claim 7, line 1 replace "16" with --6--.

In claim 7, line 2 replace "a cover" with --the cover--.

In claim 8, line 1 replace "17" with --7--.

In claim 9, line 1 replace "16" with --6--.

In claim 10, line 1 replace "16" with --6--.

In claim 10, line 3 replace "such" with --the--.

In claim 13, line 3 replace "such" with --the--.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greer (6,194,675).

Greer ('675) discloses a double throw switch linkage for coupling two switch apparatus together in an enclosure with each of them coupled to a switch mechanism lever arm with the linkage comprising actuator plates 14,16 slidingly mounted to sidewall 12 of the enclosure; a lever arm assembly mounted on a side wall of the enclosure and including lever arm 32 coupled to driver arm 30 which engages the actuator plates through driver arm slots 36; and an interlock release mechanism including bar 62 for releasing a cover of the enclosure if one of the switch apparatus is closed. Movement of the lever arm translates a force to the actuator plates which closes one switch apparatus and maintains the other switch apparatus in an open position. As for the material forming the actuator plate, this is a matter of engineering design choice, not affecting the function or purpose of the double throw switch in which any well known durable material may be utilized to provide consistent operation.

It would have been obvious to one of ordinary skill in the art to place the driver arm slots on the actuator plates rather than on the driver arm with the pins on the driver arm because the purpose of the slots and pins between the driver arm and the actuator plate would not be altered in which the translational motion from rotary to linear would not be affected and would continue to operate appropriately.

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Turnbull, Yee, Morel et al, and Crooks et al teach various other structures for linking two switches in alternating operation such that only one may be closed at one time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Friedhofer whose telephone number is 571-272-1992. The examiner can normally be reached on Mon-Fri 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael A. Friedhofer  
Primary Examiner  
Art Unit 2832

maf